

1 Thomas G.F. Del Beccaro (California Bar #132351)
2 ***Del Beccaro, Hornsby & Blake***
3 800 So. Broadway, Suite 301
4 Walnut Creek, California 94596
5 Telephone: (925) 280-4487
6 Facsimile: (925) 284-2015

7 Robert R. Pohls (California Bar #131021)
8 ***Pohls & Associates***
9 12657 Alcosta Boulevard, Suite 150
10 San Ramon, California 94583
11 Telephone: (925) 973-0300
12 Facsimile: (925) 973-0330

13 Attorneys for Plaintiff **Ernest C. Wheeler**

14 JOSEPH P. RUSSONIELLO (CABN 44332)
15 United States Attorney
16 JOANN M. SWANSON (CABN 88143)
17 Chief, Civil Division
18 NEILL T. TSENG (CABN 220348)
19 Assistant United States Attorney
20 450 Golden Gate Avenue, Box 36055
21 San Francisco, California 94102-3495
22 Telephone: (415) 436-7155
23 FAX: (415) 436-6748
24 neill.tseng@usdoj.gov
25 Attorneys for Defendant

26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

21 ERNEST C. WHEELER,
22
23 Plaintiff,
24
25 vs.

26 MICHAEL CHERTOFF, SECRETARY,
27 DEPARTMENT OF HOMELAND SECURITY,
28 FEDERAL EMERGENCY MANAGEMENT
AGENCY,
Defendant.

Case No. C08-01738 SBA

Stipulation & Proposed Order
Re Trial Continuance

TRIAL DATE: June 15, 2009

1 Plaintiff Ernest C. Wheeler ("Mr. Wheeler") and defendant Michael Chertoff, Secretary,
2 Department of Homeland Security, Federal Emergency Management Agency ("FEMA") hereby
3 jointly submit the following Stipulation for a trial continuance:
4

5 **IT IS HEREBY STIPULATED** and agreed by and between the parties hereto, the Defendants by
6 and through their attorney, Mr. Neill Tseng, and the Plaintiff, by and through their attorney,
7 Thomas Del Beccaro, that:
8

- 9
- 10 1. Due to the complexity of the case including the discovery and disclosure of additional fact
11 witnesses by both parties, as well as the filing of motions to compel discovery by the Plaintiff, the
12 parties need additional time to complete both written and deposition discovery;
 - 13 2. The Parties also believe it necessary to continue the dates for expert disclosure and other
14 scheduling matters including the trial date;

15 **3. Pre Trial Scheduling.**

16 The parties propose the following revised pre-trial deadlines:

- 17 • Fact discovery 4/20/09
- 18 • Disclose experts 4/10/09; rebuttal 4/24/09
- 19 • Expert discovery cutoff: 5/5/09
- 20 • Dispositive motion filing deadline: 5/19/09
- 21 • Last dispositive motion hearing date: 6/23/09
- 22 • Pretrial conference: 10/20/09

23

24 **4. Trial Date.**

25 The parties propose that the trial date be continued to 10/26/09 in keeping with the above
26 schedule.
27

28 //

//

1 **5. Other Matters.**

2 The parties are not currently aware of any other matters that may facilitate the just, speedy and
3 inexpensive disposition of this matter.

4
5 Respectfully submitted,

6 ***DEL BECCARO, HORNSBY & BLAKE***

7 ***POHLS & ASSOCIATES***

8
9 By: /S/

10 _____
11 Thomas G. Del Beccaro
 Attorneys for Plaintiff **Ernest C. Wheeler**

12 ***UNITED STATES ATTORNEY'S OFFICE***

13
14 By: /S/

15 _____
16 Neill T. Tseng
 Attorneys for Defendants

17
18 **PURSUANT TO STIPULATION,**
19 **IT IS SO ORDERED:**

20 DATED: 3/25/09

21 ***Saundra B. Armstrong***
22 _____
 HONORABLE SAUNDRA B. ARMSTRONG
 UNITED STATES DISTRICT JUDGE